

GORDON POPE,

Appellant

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AGBCA No. 2000-152-1

DECISION OF THE BOARD OF CONTRACT APPEALS

August 22, 2000

Before HOURY, POLLACK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On May 12, 2000, the Board received this appeal filed by Gordon Pope of Bayfield, Colorado, the purchaser of the Aspen Spur timber sale, located in the San Juan National Forest, Pagosa Ranger District, Colorado. The respondent is the U. S. Department of Agriculture, Forest Service (Government). By decision dated February 10, 2000, the contracting officer stated that the purchaser failed to cut all included timber under the contract, No. 002217, which the Government resold. By that decision, the contracting officer assessed damages of \$33,555.03, found to be due because the purchaser defaulted under the contract. The purchaser here claims that the Government frustrated and prevented him from fulfilling the contract terms, such that the assessment of damages is improper.

The purchaser asserts that the Board has jurisdiction over this appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended. Following an initial telephone conference, the parties engaged in settlement discussions, before further developing an administrative and evidentiary record. On August 16, 2000, the Board received notice that a fully signed settlement agreement of the parties has been sent to the Board in accordance with the terms of the settlement, under which the parties agree to, among other terms and conditions, a dismissal with prejudice of this appeal.

DECISION

The Board dismisses with prejudice the appeal.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

EDWARD HOURY

Administrative Judge

HOWARD A. POLLACK

Administrative Judge

Issued at Washington, D.C.

August 22, 2000